

Message Text

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46

ORIGIN L-03

INFO OCT-01 NEA-10 ADP-00 SCS-03 SCA-01 RSC-01 /019 R

DRAFTED BY L/M:HFSHAMWELL:CF

8/3/73 EXT 20768

APPROVED BY NEA/TUR:RSDILLON

L/M/SCA - MR MALMBORG (DRAFT)

SCA/SCS - MR FINNEGAN (SUBS)

L/NEA - MR BROWN (DRAFT)

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R 031656Z AUG 73

FM SECSTATE WASHDC

TO AMCONSUL ISTANBUL

AMEMBASSY ANKARA

C O N F I D E N T I A L STATE 153060

E.O. 11652: GDS

TAGS: CASC, TU (HAYES, WILLIAM)

SUBJECT: WILLIAM HAYES

REF: (A) ISTANBUL 2476

(B) ISTANBUL 2475

(C) ISTANBUL 1121

1. PARA 6, REF A, REQUESTED OPINION FROM DEPARTMENT CONCERNING POSSIBILITY HAYES CASE CAN BE RESOLVED THROUGH USE TURKISH LAW 647, SECTION 18. AS DEPARTMENT READS REQUIREMENTS THIS LAW, COUNTRY OF WHICH CONVICTED PERSON IS NATIONAL MUST AGREE TO EXECUTE TERMS OF SENTENCE SET BY TURKISH COURT AND MUST EXTEND RECIPROCAL TREATMENT IN CASES INVOLVING CONVICTIONS OF PERSONS OF TURKISH NATIONALITY. IN ABSENCE OF TREATY, DEPARTMENT SEES NO LEGAL BASIS FOR COMPLIANCE WITH THIS AND OTHER PROVISIONS TURKISH LAW. INNUMERABLE LEGAL PROBLEMS ARISE, INCLUDING QUESTION OF JURISDICTION OF US (INCLUDING STATE) COURT TO COMMIT INDIVIDUAL CONVICTED UNDER LAW OF FOREIGN COUNTRY, DETERMINATION OF LAW AND REGULATIONS TO APPLY REGARDING PAROLE, REDUCTION OF SENTENCE, RIGHTS AND PRIVILEGES WHILE IN-
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CARCERATED, EXISTENCE OF RIGHT OF HABEAS CORPUS, ETC. THESE

AND RELATED MATTERS HAVE IN FACT BEEN EXAMINED BY ACTING
LEGAL ADVISER IN CONNECTION WITH PROPOSED TREATY WITH SPAIN
EMBODYING PRINCIPLES SIMILAR TO TURKISH LAW IN QUESTION,
AND DETERMINATION HAS BEEN MADE AT THIS TIME THAT SUCH

AGREEMENT, WHILE INTERESTING POSSIBILITY, INVOLVES SO
MANY LEGAL PROBLEMS THAT NOT PRACTICAL TO PURSUE AT
PRESENT TIME.

2. IN VIEW OF ABOVE, DEPARTMENT CONSIDERS APPLICATION
TURKISH LAW 647 IN THIS CASE IMPOSSIBLE. ROGERS

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